

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

JANICE OLIVER,)
)
Plaintiff,)
)
v.) **Case No. 3:09-cv-00723**
) **Jury Demand**
FRED MEYER JEWELERS, INC.)
d/b/a LITTMAN JEWELERS AND)
KROGER LIMITED PARTNERSHIP I)
d/b/a KROGER)
)
Defendants.)

JOINT PROPOSED INITIAL CASE MANAGEMENT ORDER

A. JURISDICTION: This court has jurisdiction pursuant to 28 U.S.C. § 1332.

Kroger Limited Partnership I denies that jurisdiction or venue are proper as to it.

B. BRIEF THEORIES OF THE PARTIES:

1) PLAINTIFF: Janice Oliver was wrongfully terminated for exercising her rights under the Tennessee Workers' Compensation Act. Her claim for workers' compensation benefits was a substantial factor in the employer's motivation to terminate her employment.

2) DEFENDANT: Defendants deny the material allegations set forth in Plaintiff's complaint. Defendant Kroger Limited Partnership I was not plaintiff's employer, nor a parent or subsidiary of plaintiff's employer, Defendant Fred Meyer Jewelers. Plaintiff walked off the job. Defendant did not terminate plaintiff due to her pursuit of a claim for workers' compensation

benefits. Plaintiff has neither alleged nor can she prove that she was constructively discharged.

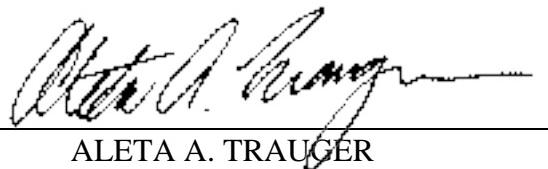
- C. ISSUES RESOLVED: Jurisdiction and venue as to Fred Meyer Jewelers. Plaintiff was an employee of Fred Meyer Jewelers, Inc. Plaintiff suffered work related injuries on December 16, 2008. Plaintiff is no longer employed by Fred Meyer Jewelers, Inc.
- D. ISSUES STILL IN DISPUTE: Status of Kroger Limited Partnership I as a defendant. Liability and damages.
- E. INITIAL DISCLOSURES: The parties shall exchange initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) on or before December 20, 2009.
- F. DISCOVERY: The parties shall complete all written discovery and depose all fact witnesses on or before June 15, 2010. Discovery is not stayed during dispositive motions, unless ordered by the court. Local Rule 9(a)(2) is expanded to allow 40 interrogatories including subparts. No motions concerning discovery are to be filed until after the parties have conferred in good faith and, unable to resolve their differences, have scheduled and participated in a conference telephone call with Judge Trauger.

- G. MOTIONS TO AMEND: The parties shall file all Motions to Amend on or before April 15, 2010.
- H. DISCLOSURE OF EXPERTS: The plaintiff shall identify and disclose all expert witnesses and expert reports on or before August 15, 2010. The defendant shall identify and disclose all expert witnesses and reports on or before September 15, 2010.
- I. DEPOSITIONS OF EXPERT WITNESSES: The parties shall depose all expert witnesses on or before November 15, 2010.
- J. JOINT MEDIATION REPORT: The parties shall submit a joint mediation report on or before January 15, 2011.
- K. DISPOSITIVE MOTIONS: The parties shall file all dispositive motions on or before February 28, 2011. Responses to dispositive motions shall be filed within twenty (20) days after service. Optional replies shall be filed within ten (10) days after service of the response. Briefs shall not exceed 20 pages. No motion for partial summary judgment shall be filed except upon leave of court. Any party wishing to file such a motion shall first file a separate motion that gives the justification for filing a partial summary judgment motion in terms of overall economy of time and expense for the parties, counsel and the court.

L. ELECTRONIC DISCOVERY: The parties have reached an agreement on how to conduct electronic discovery. Thus, the default standard contained in Administrative Order No. 174 need not apply to this case.

M. ESTIMATED TRIAL TIME: The parties expect the trial to last approximately 2 days.

It is so ORDERED.



ALETA A. TRAUGER
U.S. District Judge

APPROVED FOR ENTRY:

/s/ Rocky McElhaney

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